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Docket 82869KNM
Customer No. 01333

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of

David A. Novais, et al

A SYSTEM AND PROCESS FOR
OFFERING IMAGING SERVICES

Serial No. 09/918,287

Filed July 30, 2001

Group Art Unit: 2612

Examiner: Daniel M. Pasiewicz

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Karen J. Wacenske
Karen J. Wacenske

9-15-06
Date

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Commissioner for Patents

P.O. Box 1450

Alexandria, VA. 22313-1450

Sir:

APPEAL BRIEF TRANSMITTAL

Enclosed herewith is Appellants' Appeal Brief for the above-identified
application.

The Commissioner is hereby authorized to charge the Appeal Brief filing
fee to Eastman Kodak Company Deposit Account 05-0225. A duplicate copy of
this letter is enclosed.

Respectfully submitted,

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Enclosures

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the
Examiner is requested to communicate with Eastman Kodak Company Patent Operations at
(585) 477-4656.



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Sir:

APPEAL BRIEF PURSUANT TO 37 C.F.R. 41.37 and 35 U.S.C. 134

This is an appeal pursuant from the Examiner's decision rejecting all
pending claims 1-16 as set forth in the final Office Action mailed February 24,
2006, and the Advisory Action mailed June 16, 2006.

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APPELLANT'S BRIEF ON APPEAL

Appellants hereby appeal to the Board of Patent Appeals and Interferences from the Examiner's Final Rejection of claims, which was contained in the Office Action mailed February 24, 2006, and the Advisory Action mailed June 16, 2006.

A timely Notice of Appeal was filed June 22, 2006, with a request for a one-month extension of time.

Real Party In Interest

The real party in interest is Eastman Kodak Company, assignee of the entire interest of each and every inventor.

Related Appeals And Interferences

No appeals or interferences are known which will directly affect, be directly affected by, or have bearing on the decision of the Board in the pending appeal.

Status Of The Claims

Claims 1-16 are pending, stand finally rejected, and are the subject of this appeal. Appendix I provides a clean, double-spaced copy of the claims on appeal.

Status Of Amendments

Claims 1-16 as last presented in the response mailed November 21, 2005, are on appeal. No subsequent amendments to the claims have been made.

Summary of Claimed Subject Matter

Independent claim 1 recites: A method of offering imaging services to a customer, the method comprising: offering at least one imaging service to a customer for selection prior to the customer's attendance at an entertainment event or while the customer is at the entertainment event (see page 2, lines 8-10; page 4, lines 24-27; and page 8, lines 11-14); recording an imaging service selected by the customer and assigning an identification code to the customer selection, said identification code including at least information on the selected imaging service

and information inputted by the customer on a seating location of the customer at the entertainment event (see page 2, lines 10-14; page 6, lines 4-9; page 8, lines 9-10; and page 9, lines 14-19); and supplying images to the customer based on the selected imaging service, said images including images of participants in the entertainment event and images of at least the customer at said seating location while viewing the entertainment event (see page 7, lines 9-17; page 10, lines 13-22; and page 9, lines 20-27).

Independent claim 8 recites: An imaging services kiosk 17 comprising: an imaging services display section 52 adapted to display a menu of imaging services to a customer (see Fig. 3; and page 2, lines 18-20); and a customer input section 50 adapted to permit a customer to select, either prior to attendance at an entertainment event or while in attendance at the event, an imaging service from the menu of imaging services and enter seating information representative of a seating location of the customer at the entertainment event for use in directing an image capture device toward the seating location, such that said selected imaging service comprises creating images for the customer which includes at least one image of participants at the entertainment event and at least one image of the customer while viewing the entertainment event (see Fig. 3; page 2, lines 8-10, 20-23, and 23-26; page 8, lines 9-10, and 11-25; and page 9, lines 8-17, and 18-27).

Independent claim 10 recites: An imaging services kiosk 17 comprising: an imaging services display section 52 adapted to display a menu of imaging services to a customer, said imaging services being associated with an entertainment event which will be attended by the customer (see Fig. 3; page 2, lines 27-30; and page 8, lines 11-25); an image capture device 56 which is adapted to capture an image of the customer (see Fig. 3; page 2, lines 30-31; page 6, lines 19-23; page 7, lines 4-8; and page 10, lines 5-12); and a customer input section 50 adapted to permit the customer to select, either prior to attendance at an entertainment event or while in attendance at the event, an imaging service from the menu of imaging services and enter seating information representative of a seating location of the customer at the entertainment event for use in directing the

image capture device toward the seating location, such that said selected imaging service comprises creating a composite image which includes at least one image of the entertainment event and/or at least one image of participants at the entertainment event combined with the customer image captured by the image capture device (see Figs. 2A and 3; page 2, lines 8-10 and 31-32; page 2, line 32, - page 3, line 1; page 3, lines 1-4; page 5, lines 20-23 and 25-30; page 6, lines 4-7 and 19-23; page 7, lines 4-8; and page 8, lines 9-10; page 9, lines 8-27; and page 10, lines 5-12).

Independent claim 12 recites: An imaging services kiosk 17 comprising: an imaging services display section 52 adapted to display a menu of imaging services to a customer, said imaging services being associated with an entertainment event which will be attended by the customer (see Fig. 3; page 3, lines 5-8; and page 8, lines 11-25); an image capture device 56 which is adapted to capture an image of the customer (see Fig. 3; page 3, lines 8-9; and page 6, lines 19-21); an input port 54 to permit an uploading of customer digital images into said kiosk (see Fig. 3; page 3, lines 9-10; and page 10, lines 5-12); and a customer input section 50 adapted to permit the customer to select, either prior to attendance at an entertainment event or while in attendance at the event, an imaging service from the menu of imaging services and enter seating information representative of a seating location of the customer at the entertainment event for use in directing the image capture device toward the seating location, such that said selected imaging service comprises creating a composite image, said composite image including at least one image of the entertainment event and/or at least one image of participants at the entertainment event combined with at least one of the customer image captured by the image capture device or the uploaded digital image (see Fig. 3; page 2, lines 8-10; page 3, lines 10-11 and 12-16; page 5, lines 4-7; page 6, lines 19-23; page 7, lines 4-8; and page 10, lines 5-12).

Independent claim 16 recites: A method of displaying images and offering imaging services to a customer while at an entertainment event (see page 3, lines 17-19), the method comprising: displaying images to a customer at an entertainment event on an interactive display screen 500 accessible at a seating

location of the customer, said displayed images comprising at least one of images of participants in the entertainment event and images of the customer while viewing the entertainment event (see Fig. 5; page 3, lines 19-23; and page 10, line 30, - page 11, line 19); and offering an interactive selection session to the customer to permit the customer, while seated at the seating location, to select a desired image or images from the displayed images and select a desired image product representative of the desired image or images (see Fig. 5; page 3, lines 23-26; page 7, lines 19-22; and page 10, line 30, - page 11, line 19).

Appellant is not aware of any claims including means-plus-function language.

Grounds of Rejection to be Reviewed on Appeal

The following issues are presented for review by the Board of Patent Appeals and Interferences:

1. rejection of claims 1-7 under 35 U.S.C. 102(e) over Weston et al., US Patent 6,608,563;
2. rejection of claims 8-15 under 35 U.S.C. 103(a) over Blank, US Patent 5,469,536, in view of Gluck, US Patent 6,532,345, and further in view of Schniberg et al., US Patent Application Publication No. US 2002/0085762A1; and
3. rejection of claim 16 under 35 U.S.C. 103(a) over Blank, US Patent 5,469,536, in view of Gluck, US Patent 6,532,345, and further in view of Showghi et al., US Patent 6,473,739.

Arguments

1. Rejection of claims 1-7 under 35 U.S.C. §102(e) over Weston et al.

As stated by the Federal Circuit in *SmithKline Beecham Corp. v. Apotex Corp.* 403 F.3d 1331 at 1343 (Fed. Cir. 2005): “A patent is invalid for anticipation if a single prior art reference discloses each and every limitation of the claimed invention.” Thus, the Patent Office must show each and every feature of the claimed invention is set forth in a reference in order to anticipate a claim. Appellants respectfully assert the Patent Office has failed to show each and every feature of the claimed invention as set forth at least in independent claim 1, from which claims 2-7 depend, is taught by the applied reference of Weston et al.

The Examiner stated at page 3, paragraph 5, of the Advisory Action:

Applicant’s invention as claimed has an ID code including information inputted by the customer on a seating location which is analogous to Weston ID code including information inputted by the customer (their choice of comic book) on a seating location. As the choice of comic book has corresponding pre-determined locations (which are analogous to a seating location) needed to complete the selected comic book, the information of choice of comic book is information of the pre-determined seating locations.

Appellants respectfully assert the Examiner, while apparently understanding the general teachings of Weston et al., misses the clear differences between Weston et al. and the invention.

In one embodiment, Weston et al. requires a customer to select a souvenir comic book the customer wishes to make. The customer then receives a unique ID tag, such as an RFID tag, to wear throughout the amusement park. The park has detectors that read the RFID tag and, based on the comic book selected, informs the customer when he needs to stop and participate in a photo opportunity in the amusement park to complete the selected comic book. This allows the customer to tour the park in any order, because the imaging system maintains the photos by the unique identifier. See, for example, col. 4, line 56, - col. 5, line 9.

As described in Weston et al., and as admitted by the Examiner, “the choice of comic book has corresponding pre-determined locations ... needed to

complete the selected comic book” (Advisory Action page 3, and see Weston et al. col. 5, lines 6-9, and col. 8, lines 38-43). Contrary to the Examiner’s assertions, this is not analogous to Appellants’ seating location, which is a predetermined, assigned seat in a venue.

Appellants’ invention includes recording an imaging service selected by the customer, and assigning an identification code to the customer, which steps are similar to Weston et al. However, the identification code assigned by Appellants’ invention includes not only information on the selected imaging service, but also information inputted by the customer on a seating location of the customer at the event. This seating location that the customer must input is an assigned seating location within the venue of the event, to which the customer was assigned when the ticket to the event was purchased. The customer must tell the imaging system where the customer is assigned to sit, because images of the customer viewing the event will be taken at the assigned seat location. The images are taken of that seat location whether or not the customer is there.

In contrast, a customer of Weston et al. provides no location information to the imaging system. The imaging system of Weston et al. indicates to the customer locations at which the customer must participate in a photo in order to complete the order. The customer is notified to stop and participate in a photo opportunity when it is determined a customer is at or near an imaging station by presence of the RFID tag. The image is taken while the customer is participating in the event (enjoying the theme park) after verifying the presence of the customer through the RFID tag.

Weston et al. tells the customer where the customer must go to be imaged by a stationary camera while participating in the event. Appellants’ invention requires the customer tell the imaging system where to aim a moveable camera by supplying an assigned seating location, so the customer is imaged while viewing the event from the assigned seating location.

Appellants assert that Weston et al. does not teach or disclose each and every feature of the claimed invention. In particular, Weston et al. does not teach or disclose a seating location particular to a customer. Weston et al. does not

disclose information inputted by the customer on a seating location of the customer at an entertainment event, or supplying images of at least the customer at the seating location while viewing the entertainment event. For at least the above reasons, Appellants assert the rejection of claims 1-7 under 35 USC § 102(e) over Weston et al. should be reversed.

2. Rejections under 35 USC 103(a)

A. Assertion of Failure to Respond

It is asserted in the Advisory Action at page 4 that Appellants failed to comply with 37 CFR § 1.111(b) in the Response filed May 24, 2006, with regard to the rejections under 35 USC § 103(a). Appellants note 37 CFR § 1.111(b) pertains to “Reply by applicant or patent owner to a non-final Office Action.” This is an improper section of the rules to apply because Appellants response was to a final Office Action under 37 CFR § 1.116.

Even though application of 37 CFR § 1.111(b) is improper, Appellants complied therewith. At page 3 of Appellants’ May 24, 2006 response, Appellants paraphrased the Examiner’s admission of features not taught by reference Blank (features 1-4) from page 8, paragraph 20, of the final Office Action. Appellants’ then described each and every additional cited reference, and stated why each reference did not overcome the deficiencies of Blank, alone or in combination with other references. The cited features are clearly analogous to specific features of the independent claims 8, 10, 12, and 16, as indicated by the Examiner’s initial statement at page 8 of the final Office Action, and by the Examiner’s statement at page 5, paragraph 8 of the Advisory Action. There is no requirement that Appellant exactly recite the claim language in distinguishing the claimed invention from the cited references. Appellant did not simply provide a general allegation of patentability, but a specific, reasoned response to the rejection, including a description of the disclosure of the cited references, and distinguishing said references from the claimed invention by pointing out what feature or features each reference failed to teach, disclose or suggest, alone and in combination with the other cited references. Appellants believe the response filed

May 24, 2006, was in full compliance with 37 CFR §1.111(b), as well as 37 §CFR 1.116.

B. Applicable Law

In order to establish a *prima facie* case of obviousness, the Patent Office must show the prior art reference or combination of references teach or suggest all the limitations of the claims (*In re Wilson*, 424 F.2d 1382, 1385, 165 U.S.P.Q 494, 496 (C.C.P.A. 1970)); 2) the prior art relied upon must contain some suggestion or motivation for the skilled artisan to modify a reference or combine references (*In re Fine*, 837 F.2d, 1071, 1074, 5 U.S.P.Q.2d 1596,1598 (Fed. Cir. 1988)); and 3) the proposed modification of the prior art must have had a reasonable expectation of success as determined from the viewpoint of a skilled artisan at the time of the invention, without use of hindsight (*Amgen, Inc. v. Chugai Pharm. Co.*, 927 F.2d 1200, 1209, 18 U.S.P.Q.2d 1016, 1023 (Fed. Cir. 1991)).

C. Rejection of claims 8-15 under 35 U.S.C. §103(a) over Blank, US Patent 5,469,536, in view of Gluck, US Patent 6,532,345, and further in view of Schniberg et al., US Patent Application Publication No. US 2002/0085762A1

1. Claims 8-11

The Patent Office has failed to establish a *prima facie* case of obviousness against Appellants' claimed invention as set forth in claims 8-11 because the Patent Office has failed to show any reference or combination of references that teaches or suggests all the limitations of the claims.

It is admitted by the Examiner at page 8 of the final Office Action that:

Blank does not expressly disclose that seating information representative of a seating location of the customer at an entertainment event my [sic] be entered through the input section, that the image services comprise at least one image of the participant at the entertainment event and at least one image of the customer while viewing the entertainment event, that the imaging service is selected either prior to attendance at an entertainment event or while in attendance at the event or where the seating location of the customer is used in directing an image capture device toward the seating location.

Appellants are relying on the admissions of the Examiner for providing at least some of the deficiencies of the primary reference, Blank, in teaching the features of Appellants' invention as set forth in independent claim 8 and claim 9 dependent therefrom, and independent claim 10 and claim 11 dependent therefrom. Appellants note that few features of claims 8-11 are asserted by the Examiner as being taught by Blank.

The Examiner asserts at page 9 of the final Office Action that Gluck teaches selecting an imaging service prior to or while in attendance at an event, referring to col. 6, line 65, - col. 7, line 5. However, col. 6, lines 59-62, clearly state that "advertisements and/or instructions on how to obtain the souvenirs" are displayed during the event. Further, Gluck discloses that the images of sections of the venue are taken automatically (col. 4, lines 51-63) during the event. There is nothing available for a customer to select prior to the event starting. Gluck therefore does not disclose or suggest, alone or in combination with Blank, the features of claims 8-11 of selecting an imaging service prior to attendance at an entertainment event.

The Examiner further asserts at page 9 of the final Office Action that Gluck teaches entering seating information such that a "customer's personalized souvenir is created based upon the seating number provided by the customer," with reference to col. 7, lines 2-9. As stated at col. 7, lines 2-9:

Thus, when a spectator approaches the walk-up window, they may either go through various spectator images available for review, or may simply provide their seating location to the operator. Once the operator has a seating location, the operator can search manually for the proper spectator photo, or the operator may enter the location data into a computer which is programmed to find the proper spectator photo based on the seat number, etc.

As shown by this passage, the spectator is requesting an already acquired image based on a seat number included in the image, where the images are taken by section, each section including known seat numbers. Gluck discloses merely requesting a copy of an already taken image.

In contrast, the invention as set forth in claims 8-11 requires customer selection of an imaging service, wherein the ordering of the imaging service includes entering seating information representative of a seating location of the customer at the entertainment event for use in directing an image capture device toward the seating location to capture images of the customer viewing the event. The advantage of the invention over Gluck is that, in the invention, images are taken only of customers desiring to have memorabilia of the event made, wherein the memorabilia includes an image of themselves. In contrast, Gluck images every person attending the event, and then attempts to generate sales of images, wasting resources in taking and printing undesired images.

Thus, Blank in view of Gluck fails to disclose or suggest at least selecting an imaging service prior to attendance at an event, or an imaging service selection including entering seat information representative of a customer seating location for use in directing an image capture device toward the seating location.

Schniberg et al. does not cure the deficiencies of Blank in view of Gluck. Schniberg et al. discloses providing an event attendee with a color-coded tag for identification, and imaging event attendees to provide images of the attendee at the event to the attendee after the event for purchase. Schniberg et al. also discloses that a person with web access can enter a seat location to find images, real time or past, of a person at that seat location. The images are taken continuously throughout the event (paragraph 0072).

Schniberg et al. does not disclose or suggest at least selecting an imaging service prior to attendance at an event, or an imaging service selection including entering seat information representative of a customer seating location for use in directing an image capture device toward the seating location. In Schniberg et al., the image already exists as images are taken continuously of all attendees. Entering the seat number merely allows the web-based system to identify the appropriate image to display, similar to identifying a taken image in Gluck, but does not direct a camera as one or more cameras are already directed at the desired seating location. Schniberg et al. therefore does not overcome the deficiencies of Blank in view of Gluck.

For at least the above reasons, the rejection of claims 8-11 should be reversed because none of the references, alone or in any combination, teach, disclose, or suggest all the limitations of the claims.

2. Claims 12-15

The Patent Office has failed to establish a *prima facie* case of obviousness against Appellants' claimed invention as set forth in claims 12-15 because the Patent Office has failed to show any reference or combination of references that teaches or suggests all the features of the claims.

As discussed with regard to claims 8-11, Blank in view of Gluck and Schniberg et al. does not disclose or suggest at least selecting an imaging service prior to attendance at an event, or an imaging service selection including entering seat information representative of a customer seating location for use in directing an image capture device toward the seating location.

Claim 12 and claims 13-15 dependent therefrom further claim forming a composite image including at least one image of the entertainment event or participants therein combined with at least one customer image captured by an image capture device or an uploaded digital image.

The Examiner at page 16 of the Final Office Action states that Blank discloses both an image capture device and an input port to permit uploading of customer digital images "where uploading is capturing video images." In contrast, as described at page 10, lines 5-12, Appellants' invention is directed to uploading of still images from a digital or hybrid camera. This is not taught by Blank, Gluck, or Schniberg et al.

For at least the above reasons, the rejection of claims 12-15 should be reversed because none of the references, alone or in any combination, teach, disclose, or suggest all the features of claims 12-15.

D. Rejection of claim 16 under 35 U.S.C. §103(a) over Blank, US Patent 5,469,536, in view of Gluck, US Patent 6,532,345, and further in view of Showghi et al., US Patent 6,473,739.

The Patent Office has failed to establish a *prima facie* case of obviousness against Appellants' claimed invention as set forth in claim 16 because the Patent Office has failed to show any reference or combination of references that teaches or suggests all the features of the claim.

It is admitted by the Examiner at page 22 of the Final Office Action that:

Blank does not expressly disclose that the imaging service is at an entertainment event, that the interactive display is accessible at a seating location of the customer; that the displayed images comprise at least one image of participants in the entertainment event; that the images of the customer are while viewing the entertainment event or that the interactive selection session is at the seating location.

Appellants are relying on the admissions of the Examiner as to the deficiencies of the primary reference of Blank as providing at least some of the differences between the primary reference of Blank and Appellants' claimed invention as set forth in claim 16. Appellants note that few features of claim 16 are asserted by the Examiner as being taught by Blank.

Gluck is cited by the Examiner as teaching:

... offering imaging services to a customer while at an entertainment event, the images being displayed in proximity to a seating location of the customer, and the customer selecting a desired image product

(page 22 final Office Action); and

...displaying images to a customer at an entertainment event, said displayed images comprising at least one of images of participants in the entertainment event and images of the customer while viewing the entertainment event; and selecting a desired image product representative of the desired image or images

(page 23 final Office Action). Gluck is directed to an imaging system in a venue, wherein the imaging system is capable of imaging substantially all attendees by

taking images of sections of the venue, such that one image includes all attendees in that section (col. 4, lines 51-63). The same or different imaging system, or a scanner, can also take images of items such as tickets, team logos, event ads, slogans, or other event-related items (col. 4, lines 26-30). The various images are combined to form souvenirs that are displayed to the attendees in the hopes that attendees will purchase the souvenirs. The attendees can be made aware of the souvenirs through displays on large event picture screens or video units in the venue (col. 6, lines 59-65). An attendees' photo can be found with reference to their seat location, as described at col. 7, lines 2-15.

Gluck does not cure the admitted deficiencies of Blank because neither Blank nor Gluck disclose or suggest at least: (1) displaying images to a customer at an entertainment event on an interactive display screen accessible at a seating location of the customer; or (2) offering an interactive selection session to the customer to permit the customer, while seated at the seating location, to select a desired image or images and select a desired image product.

Showghi et al. is cited at pages 23-24 of the final Office Action as disclosing:

an interactive selection session at an entertainment event, where a customer may select to purchase a souvenir of the entertainment event from an interactive display accessible at the customers [sic] seating location and while seated at the seating location...; where the customer uses a hand-held communication device with an interactive display to purchase souvenirs from the customers [sic] seat).

Showghi et al. is directed to use of a hand-held, wireless communication device to order food, drink, and souvenirs from a specific seat at an entertainment event (col. 2, lines 56-67). Devices used include cell phones, PDAs, and two-way pagers (col. 3, lines 1-5). There is no disclosure or suggestion that a customer can use such a device to view images of the participants in the entertainment event or of the customer viewing the event, or to select a desired image or images, or to select a desired image product representative of the desired image or images as set forth in claim 16.

As set forth above, none of the cited references of Blank, Gluck, or Showghi et al., alone or in any combination, teach, disclose, or suggest at least offering an interactive selection session to the customer to permit the customer, while seated at the seating location, to select a desired image or images from the displayed images and select a desired image product representative of the desired image or images. For at least the above reasons, the rejection of claim 16 should be reversed because none of the references, alone or in any combination, teach, disclose, or suggest all the features of claim 16.

Summary

With regard to the rejection of claims 1-7, Weston et al. does not teach or disclose a seating location particular to a customer, a customer inputting information on a seating location of the customer at an entertainment event, or supplying images of at least the customer at the seating location while viewing the entertainment event. Because Weston et al. does not teach every feature of the claimed invention, the rejection under 35 USC §102(e) should be reversed.

With regard to the rejection of claims 8-15, the combination of Blank, Gluck, and Schniberg et al. does not disclose or suggest at least selecting an imaging service prior to attendance at an event, or an imaging service selection including entering seat information representative of a customer seating location for use in directing an image capture device toward the seating location. Because none of the references, alone or in combination, disclose or suggest every feature of claims 8-15, the rejection under 103(a) should be reversed.

With regard to the rejection of claim 16, the combination of Blank, Gluck, and Showghi et al. does not disclose or suggest at least offering an interactive selection session to the customer to permit the customer, while seated at the seating location, to select a desired image or images from the displayed images and select a desired image product representative of the desired image or images. Because none of the references, alone or in combination, disclose or suggest every feature of claim 16, the rejection under 103(a) should be reversed.

Conclusion

For the above reasons, Appellants respectfully request that the Board of Patent Appeals and Interferences reverse the rejections set forth by the Examiner and mandate the allowance of Claims 1-16.

Respectfully submitted,



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If the Examiner is unable to reach the Appellant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.

Appendix I - Claims on Appeal

1. (Previously Presented) A method of offering imaging services to a customer, the method comprising:

offering at least one imaging service to a customer for selection prior to the customer's attendance at an entertainment event or while the customer is at the entertainment event;

recording an imaging service selected by the customer and assigning an identification code to the customer selection, said identification code including at least information on the selected imaging service and information inputted by the customer on a seating location of the customer at the entertainment event; and

supplying images to the customer based on the selected imaging service, said images including images of participants in the entertainment event and images of at least the customer at said seating location while viewing the entertainment event.

2. (Original) A method according to claim 1, wherein said step of supplying images to the customer includes the steps of:

setting up remotely controlled cameras throughout a venue at which the entertainment event is to take place; and

using the cameras to take photographs of the event as it occurs and photographs of participants in the event as it occurs based on the selected imaging service.

3. (Original) A method according to claim 2, wherein said step of supplying images to the customer further includes the step of:

using the cameras to take photographs of the customer at his/her seating location while viewing the event based on the seating location information.

4. (Original) A method according to claim 1, wherein said information on the selected imaging service includes information reflective of a customer preference with regard to the participants at the entertainment event.

5. (Original) A method according to claim 3, wherein said photographs are taken at an appropriate moment of capture which is reflective of a period of high volume and/or excitement during the entertainment event.

6. (Original) A method according to claim 1, wherein said seating location of the customer at the entertainment event is determined by scanning a ticket.

7. (Original) A method according to claim 1, wherein said selections of images of the entertainment event are made by the customer at a location remote from the site of the entertainment event.

8. (Previously Presented) An imaging services kiosk comprising:
an imaging services display section adapted to display a menu of imaging services to a customer; and

a customer input section adapted to permit a customer to select, either prior to attendance at an entertainment event or while in attendance at the event, an imaging service from the menu of imaging services and enter seating information representative of a seating location of the customer at the entertainment event for use in directing an image capture device toward the seating location, such that said selected imaging service comprises creating images for the customer which includes at least one image of participants at the entertainment event and at least one image of the customer while viewing the entertainment event.

9. (Original) An imaging services kiosk according to claim 8, wherein said customer input section is further adapted to permit the customer to input preferences with regard to the participants at the entertainment event.

10. (Previously Presented) An imaging services kiosk comprising:
an imaging services display section adapted to display a menu of imaging services to a customer, said imaging services being associated with an entertainment event which will be attended by the customer;
an image capture device which is adapted to capture an image of the customer; and
a customer input section adapted to permit the customer to select, either prior to attendance at an entertainment event or while in attendance at the event, an imaging service from the menu of imaging services and enter seating information representative of a seating location of the customer at the entertainment event for use in directing the image capture device toward the seating location, such that said selected imaging service comprises creating a composite image which includes at least one image of the entertainment event and/or at least one image of participants at the entertainment event combined with the customer image captured by the image capture device.

11. (Original) An imaging services kiosk according to claim 10, wherein said customer input section is further adapted to permit the customer to input preferences with regard to the participants at the entertainment event.

12. (Previously Presented) An imaging services kiosk comprising:
an imaging services display section adapted to display a menu of imaging services to a customer, said imaging services being associated with an entertainment event which will be attended by the customer;
an image capture device which is adapted to capture an image of the customer;

an input port to permit an uploading of customer digital images into said kiosk; and

a customer input section adapted to permit the customer to select, either prior to attendance at an entertainment event or while in attendance at the event, an imaging service from the menu of imaging services and enter seating information representative of a seating location of the customer at the entertainment event for use in directing the image capture device toward the seating location, such that said selected imaging service comprises creating a composite image, said composite image including at least one image of the entertainment event and/or at least one image of participants at the entertainment event combined with at least one of the customer image captured by the image capture device or the uploaded digital image.

13. (Original) An imaging services kiosk according to claim 12, wherein said customer input section is further adapted to permit the customer to input preferences with regard to the participants at the entertainment event.

14. (Original) An imaging services kiosk according to claim 12, wherein said customer input section is further adapted to permit the customer to select images of the participants in the entertainment event.

15. (Original) An imaging services kiosk according to claim 12, wherein said customer input section is further adapted to permit the customer to select images of himself in the entertainment event.

16. (Previously Presented) A method of displaying images and offering imaging services to a customer while at an entertainment event, the method comprising:

displaying images to a customer at an entertainment event on an interactive display screen accessible at a seating location of the customer, said displayed images comprising at least one of images of participants in the

entertainment event and images of the customer while viewing the entertainment event; and

 offering an interactive selection session to the customer to permit the customer, while seated at the seating location, to select a desired image or images from the displayed images and select a desired image product representative of the desired image or images.

Appendix II - Evidence

NONE

Appendix III – Related Proceedings

NONE